

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

United States of America,

Plaintiff

v.

Paulina Hernandez,

Defendant

Case No. 2:23-cr-00113-CDS-NJK-4

Order Striking Ex Parte Motion Filed by
Defendant Paulina Hernandez

[ECF No. 207]

Defendant Paulina Hernandez filed a motion to dismiss fatally defective indictment on an ex parte basis. A person who is represented by counsel “cannot while so represented appear or act in the case.” LR IA 11-6(a); *United States v. Gallardo*, 915 F. Supp. 2d 216, 218 n.1 (D. Nev. 1995); *see also Le v. Almager*, 2013 WL 415632, at *1 (N.D. Cal. Jan. 31, 2013) (“A court need not consider pro se motions filed by a party who remains represented by counsel.”). Further, the Local Rules for this District make clear that ex parte motions “must articulate the rule that permits ex parte filing and explain why it is filed on an ex parte basis.” LR IA 7-2. The motion fails to address why it was filed ex parte, so it was also filed improperly. However, because Hernandez is represented by counsel, the motion filed pro se is stricken.

Conclusion

IT IS HEREBY ORDERED that the ex parte motion to dismiss fatally defective indictment [ECF No. 207] is STRICKEN.

Dated: February 6, 2025



Cristina D. Silva
United States District Judge